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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

JOHNNY MAMARIL,

Defendant and Appellant.

D054892

(Super. Ct. No. SCS222305)

APPEAL from a judgment of the Superior Court of San Diego County, Esteban Hernandez, Judge. Affirmed in part, and reversed in part.

Johnny Mamaril pled guilty to numerous acts of sexual abuse to a child. The court imposed a 27-year prison term. At the sentencing hearing, the court continued a protective order, originally issued at the arraignment, which provided that Mamaril was not to contact the victim or one of the witnesses for 10 years from the sentencing date. The court issued the order under Penal Code section 136.2, which permits a court in a criminal case to protect a witness or a victim by issuing a protective order.

Mamaril's sole appellate contention is that the court did not have the authority to issue the protective order beyond the sentencing date. The Attorney General concedes this argument has merit. We agree.

Penal Code section 136.2, subdivision (a) authorizes a court "with jurisdiction over a criminal matter" to issue protective orders upon a "good cause belief that harm to, or intimidation or dissuasion of, a victim or witness has occurred or is reasonably likely to occur." Under this statute, a trial court has jurisdiction to issue protective orders that apply during the pendency of a criminal matter, but has no authority to issue a protective order extending beyond the pronouncement of judgment. (*People v. Ponce* (2009) 173 Cal.App.4th 378, 382-386; *People v. Hamlin* (2009) 170 Cal.App.4th 1412, 1478; *People v. Selga* (2008) 162 Cal.App.4th 113, 118-119; *People v. Stone* (2004) 123 Cal.App.4th 153, 159-160.)

Based on these authorities, the court's order imposing the protective order for 10 years beyond the sentencing date was invalid. The order was void because it was in excess of the trial court's jurisdiction. (See *People v. Ponce, supra*, 173 Cal.App.4th at pp. 381-382.)

If the victim and witness believe continuing protection is needed, they may seek a protective order under Code of Civil Procedure section 527.6 and/or may request a no-contact parole condition if this circumstance becomes applicable.

DISPOSITION

We reverse the no-contact protective order. We affirm the judgment in all other respects.

HALLER, J., Acting P.J.

WE CONCUR:

McDONALD, J.

O'ROURKE, J.